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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/788,428 | 02/27/2004 | Herbert Huttlin | 03928- P0005A | 6984 |
| 24126 | 7590 | 06/16/2006 | EXAMINER | |
| ST. ONGE STEWARD JOHNSTON & REENS, LLC | | | LU, JIPING | |
| 986 BEDFORD STREET | | | ART UNIT | |
| STAMFORD, CT 06905-5619 | | | PAPER NUMBER | |
| | | | 3749 | |
| DATE MAILED: 06/16/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,428

Applicant(s)

HUTTLIN, HERBERT

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, 11, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huttlin (U. S. Pat. 5,145,650) in view of Huttlin (U. S. Pat. 6,367,165) and Griбанov et al. (RU 2151988 C1).

Huttlin ('650) shows an apparatus for treating a moveable particulate material during a treatment, comprising an elongated, tunnel-like single process chamber 12 (see Fig. 1) having an inlet (adjacent 32) and an outlet (adjacent 34), a movable material to be treated in said process chamber can be moved from said inlet to said outlet (by conveyor belt 30), a bottom of said process chamber has overlapping guide vanes 42 forming slots there between extending in a longitudinal direction of said process chamber, air feed box 20 with chambers (at 16) and blowers (see claim 1). However, Huttlin ('650) does not show horizontal guide plates and air guide elements with adjustment device. Huttlin ('165) teaches an apparatus for treating a particulate material with overlapping horizontal guide plates 16-18, 20-22 superimposable in the bottom of the process chamber and a process air 54 is introduced via the slots formed by the horizontal guide plates 16-18, 20-22 into the process chamber as two flows oriented oppositely toward each other, said two oppositely oriented flows impinge one another along a breaking-up

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zone 58. Griбанov et al. teach an apparatus for treating a particulate material with adjustable air guide elements 2, 3, 8 for adjusting the air flow same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the particulate material treating apparatus of Huttlin ('650) to include oppositely oriented horizontal guide plates as taught by Huttlin ('165) and to further include adjustable air guide elements as taught by Griбанov et al. in order to control air flow and therefore improve the particulate material treating efficiency. The apparatus of Huttlin ('650) as modified by Huttlin ('165) and Griбанov et al. is capable of performing the claimed function of moving a material from chamber inlet to outlet during a treatment and for adjusting a longitudinal advance movement of the material passing the process chamber.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huttlin (U. S. Pat. 5,145,650) in view of Huttlin (U. S. Pat. 6,367,165) and Griбанov et al. (RU 2151988 C1) as applied to claim 11 above, and further in view of Engstrom et al. (U. S. Pat. 5,093,085).

The particulate material treating apparatus of Huttlin ('650) as modified by Huttlin ('165) and Griбанov et al. as above includes all that is recited in claim 12 except for air distribution grid arranged in the air chamber. Engstrom et al. teach a particulate material treating apparatus with air distribution grid 1 arranged in the air chamber 4 for distributing air same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the particulate material treating apparatus of Huttlin ('650) to include air distribution grid in the air chamber as taught by Engstrom et al. in order to uniformly distribute the air.

Allowable Subject Matter

5. Claims 3-6, 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 15-21 are allowed.

Response to Arguments

7. Applicant's arguments filed 3/23/2006 have been fully considered but they are not persuasive to overcome the rejection. First, claims fail to structurally define over the art. There is no structural difference between the claimed invention and the apparatus of Huttlin ('650) as modified by Huttlin ('165) and Griбанov et al. The applicant is requested to point out any structure claimed in the claims that the prior art references do not teach or shown. Second, the newly added limitations in claim 1, last 4 lines, contain no structure or means except functional statements. For example, the term "super imposable" merely means able to superimpose which merely means "ability of superimposing". The patent to Huttlin (U. S. Pat. 6,367,165) clearly shows superimposing guide plates for treating a particulate material with overlapping guide plates 16-18, 20-22 superimposable in the bottom of the process chamber and a process air 54 is introduced via the slots formed by the guide plates 16-18, 20-22 into the process chamber as two flows oriented oppositely toward each other, said two oppositely oriented flows impinge one another along a breaking-up zone 58. The apparatus of Huttlin ('650) as modified by Huttlin ('165) and Griбанov et al. is capable of performing the claimed function of moving a material from chamber inlet to outlet during a treatment and for adjusting a longitudinal advance

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movement of the material passing the process chamber as claimed in claim 1. Third, the applicant argued that there is no teaching to combine the prior art references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the patent to Huttlin ('650) shows an elongated, tunnel-like single process chamber for treating a particulate material. Huttlin ('165) teaches an apparatus for treating a particulate material with a bottom of the process chamber having overlapping horizontal guide plates forming slots there between for process air. Griбанov et al. teach an apparatus for treating a particulate material with adjustable air guide elements 2, 3, 8 for adjusting the air flow same as claimed. Therefore, for one skilled in the art, it would have been obvious to modify the particulate material treating apparatus of Huttlin ('650) to include oppositely oriented overlapping horizontal guide plates as taught by Huttlin ('165) and to further include adjustable air guide elements as taught by Griбанov et al. in order to control air flow and therefore improve the particulate material treating efficiency.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

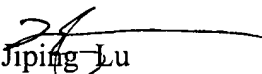
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.